



**Policy Number:** 05-005  
**Subject:** Substituted Service  
**Chapter:** Service of Documents

<b>Legislation</b>	s. 42(5)
<b>Definitions</b>	<b>Substituted Service:</b> a method of serving documents for a hearing that is outside of the methods identified in the Residential Tenancies Act but is approved by the Director of Residential Tenancies.
<b>Purpose</b>	The purpose of this policy is to inform parties how they may request approval to serve hearing documents on a respondent who appears to be avoiding service.
<b>Policy</b>	If a respondent to an application appears to be avoiding service of documents, or an applicant is unable to serve a party for some other reason, a request may be made to the division that the document be served by an alternate method when the usual service methods fail.
<b>Procedure Overview</b>	<p><b>Attempt Authorized Methods</b></p> <p>Before making an application for substituted service, the applicant must attempt to serve the documents using the authorized methods identified in s. 42(3). Substituted service is available only where the applicant has made a reasonable attempt to serve the other party without success; and the proposed method of substituted service provides a reasonable probability that service will be successful.</p> <p>Examples of methods of substituted service:</p> <ul style="list-style-type: none"><li>• posting it in a conspicuous place upon some part of the landlord's or tenant's premises;</li><li>• placing it in the mailbox or slipping it under the door of the landlord or tenant's premises;</li><li>• by publishing it in the local newspaper where the landlord or tenant is believed to live.</li></ul> <p>If a hearing was previously scheduled and the application for Substituted service is granted, the applicant may request a new hearing date.</p> <p><b>Application for Substituted Service</b></p> <p>In the Application for Substituted Service, the applicant must provide details of the attempts made to serve the respondent(s) and reasons why the attempts were not successful.</p>



	<p>The applicant must also propose alternate methods of service along with reasons why the applicant believe the proposed methods will be successful.</p> <p>The application must be sworn or affirmed by the applicant.</p> <p>The director, or manager, upon reviewing the application, may grant approval for substituted service.</p>
<b>Forms &amp; Form Letters</b>	Application for Substituted Service Approval of Substituted Service and Notice of Hearing
<b>X-Reference</b>	
<b>Policy Developed</b>	November, 2000
<b>Policy Revised</b>	January, 2002 August, 2021
<b>Other Resources</b>	